

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIHISA KENMOCHI, KAZUYUKI
OKUI, HIROSHI OSADA, TAKASHI MAEDA,
MAKAOTO SHIOKAWA, TSUYOSHI YAMASHITA
and MITSUO NAKAMURA

Appeal No. 94-4094
Application 07/900,769¹

ON BRIEF

Before JOHN D. SMITH, GARRIS and PAK, Administrative Patent Judges.

JOHN D. SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal pursuant to 35 USC § 134 from the final rejection of claims 2, 3, 5 through 7, and 9 through 16.

Claim 11 is representative and is reproduced below:

¹ Application for patent filed June 19, 1992. According to appellants, the application is a continuation of Application 07/512,627, filed April 19, 1990, now abandoned, which is a continuation of Application 07/263,921, filed October 28, 1988, now abandoned.

11. A method of fabricating, within a vehicle body assembly line, a floor panel of a vehicle body having a honeycomb sandwich structure including a first plate, a second plate and a honeycomb core sandwiched between said first plate and said second plate, said second plate being an integral part of a structural panel of said vehicle body, said honeycomb sandwich structure being composed of a pre-formed sub-honeycomb panel with a predetermined shape and including said first plate connected to a first surface of said honeycomb core, said method comprising the steps of:

strengthening said second plate by connecting said structural panel to a strength member, said second plate being integral to said structural panel, and said strength member being a part of a vehicle body framework;

pressing said pre-formed sub-honeycomb panel against said second plate with an adhesive layer therebetween to thereby connect a second surface of said honeycomb core to said second plate, said second surface of said honeycomb core being oppositely located to said first surface, wherein said honeycomb core is made of paper having permeability, wherein said step of pressing said sub-honeycomb panel against said second plate occurs immediately after a drying step conducted after washing of a painting stage of said vehicle body to thereby prevent said honeycomb core from getting wet, wherein said step of pressing said sub-honeycomb panel includes the step of releasing pressure formed within said sub-honeycomb panel by said pressing step to thereby prevent damaging said sub-honeycomb core due to pressure inside a plurality of cells in said sub-honeycomb as a result of the pressing thereof onto said strengthened second plate.

The references of record relied upon by the examiner are:

Barenyi	2,757,447	Aug. 7, 1956
Kaller et al. (Kaller)	4,728,383	Mar. 1, 1988
Vogt et al. (Vogt) (UK Patent Application)	2,115,753	Sep. 14, 1983

Appeal No. 94-4094
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Nakajima et al. 58-170940 Oct. 7, 1983
(Japanese Kokai Patent)

The appealed claims stand rejected under 35 USC § 103 as unpatentable over the teachings of Kaller in view of Vogt, Nakajima, certain prior art admissions, and Barenyi.

We reverse the stated rejection.

The subject matter on appeal relates to a method of fabricating, within a vehicle body assembly line, a floor panel of a vehicle body having a honeycomb sandwich structure including a first plate, a second plate and a honeycomb core sandwiched between the first plate and the second plate. The second plate is an integral part of a structural panel of the vehicle body. Importantly, the honeycomb sandwich structure is composed of a pre-formed sub-honeycomb panel with a predetermined shape and includes the first plate connected to a first surface of the honeycomb core. In contrast, prior art fabrication methods have involved a time consuming sequence of steps wherein the honeycomb core is first connected to a plate and then the other plate is connected to the honeycomb core. See the specification at page 3, lines 12 through page 4, line 15. The claimed method includes the step of strengthening the second plate by connecting the structural panel to a strength member such as a side sill or

center frame as shown by Figure 1 of the application, wherein the second plate is integral to the structural panel, and the strength member is a part of a vehicle body framework. The fabricating method further includes the step of pressing the pre-formed sub-honeycomb panel against the second plate with an adhesive layer therebetween to connect the sub-honeycomb panel to the second plate.

We have carefully reviewed the examiner's stated rejection which is based on the combined teachings of four prior art references and certain prior art admissions² in the specification. However, we agree with appellants that there is no reason for combining the teachings of the prior art in the manner suggested by the examiner to reach the combined features of the appealed claims. In this regard, we emphasize, as appellants have in their Brief, that the claimed method is directed to the fabrication of a floor panel of a vehicle body. In contrast, the principal references relied upon by the examiner as evidence of obviousness, i.e., Kaller and Vogt, are directed to methods of fabricating headliners which are mounted to the roof of the vehicle. Thus, even assuming for purposes of

² The examiner has eschewed reliance on the prior art "time consuming" technique reported in the specification at page 3, line 12 to page 4, line 15, which is apparently the closest prior art to the now claimed invention.

argument that a person of ordinary skill in this art would have combined all of the teachings referred to by the examiner in the manner proposed, it is not apparent that the proposed combination of teachings would yield a method satisfying the requirements of the appealed claims. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1052, 5 USPQ2d 1434, 1439 (Fed. Cir. 1988). With respect to this issue, we recognize that the examiner has stated in the Answer at page 6 that the utilization of the Kaller process to install a pre-formed panel element anywhere on a vehicle body, be it on the roof or on the floor, is seen to be an obvious expedient to one of ordinary skill in the art. However, the examiner has cited no factual evidence to support this statement. It is well settled that obviousness is a legal conclusion which must be based on facts, not speculation and generalizations. Thus, in the situation before us, the examiner has not discharged his initial burden of providing a factual basis upon which to conclude that one having ordinary skill in the art would have been led to combine the prior art teachings in the manner suggested by the examiner to arrive at the claimed subject matter.

Appeal No. 94-4094
Application 07/900,769

The decision of the examiner is reversed.

REVERSED

JOHN D. SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
BRADLEY R. GARRIS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
CHUNG K. PAK)	
Administrative Patent Judge)	

Appeal No. 94-4094
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